

# EXHIBIT A

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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

5 THOMAS H. KRAKAUER,

6 Plaintiff,

7 v.

8 DISH NETWORK, LLC,

9 Defendant.  
10  
11  
12

No. 1:14-CV-333

DECLARATION OF DANIEL BURKE  
RE KCC QUALIFICATIONS

13  
14 I, Daniel Burke, declare as follows:

15 1. I have personal knowledge of the matters set forth herein, and I believe them to be  
16 true and correct.

17 **INTRODUCTION**

18 2. I am the Executive Vice President at Kurtzman Carson Consultants LLC ("KCC").  
19 KCC is one of the largest full-service class action notice and settlement administrators in the  
20 country. Before my arrival at KCC, I was the Executive Vice President at Gilardi & Co. LLC, a  
21 class action administration company that was acquired by KCC in 2015.<sup>1</sup> I also served as a Deputy  
22 District Attorney in Alameda County for 14 years. I received my B.S. in Marketing from Santa  
23 Clara University and J.D. from Golden Gate University. I am also a member of the California State  
24 Bar.

25 3. The purpose of this Declaration is to provide the Court with KCC's qualifications  
26 and experience as a leading class action administration firm.

27 <sup>1</sup> This declaration combines the class action notice and administration experience of both firms.  
28

## FIRM EXPERIENCE

4. KCC is a leading notice and settlement administration firm that provides comprehensive class action services, including legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, claims processing, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. With more than thirty years of industry experience, KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing, claims processing and disbursement requirements of these matters to ensure the orderly and fair treatment of class members and all parties in interest. Since 1984, KCC has been retained to administer more than 6,000 class actions and distributed payments totaling well over \$20 billion in assets.

5. KCC has extensive experience in all aspects of class action administration, including in dozens of Telephone Consumer Protection Act (“TCPA”) cases such as this. For example: *Abdeljalil v. GE Capital Retail Bank*, No. 12-cv-02078 (S.D. Cal.); *Adams v. AllianceOne Receivables Management, Inc.*, No. 08-cv-00248 (S.D. Cal.); *Allen v. JPMorgan Chase Bank*, No. 13-cv-08285 (N.D. Ill.); *Bayat v. Bank of the West*, No. 13-cv-2376 (N.D. Cal.); *Birchmeier et al. v. Caribbean Cruise Line, Inc.*, No. 12-cv-04069 (N.D. Ill.); *Biringer v. First Family Insurance, Inc.*, No. 14-cv-566 (N.D. Fla.); *Boise v. ACE American Insurance Company*, No. 15-cv-21264 (S.D. Fla.); *Charvat v. AEP Energy*, No. 14-cv-3121 (N.D. Ill.); *Charvat v. Travel Services (Carnival)*, No. 12-cv-05746 (N.D. Ill.); *Clark, et al. v. Gannett Co. Inc.*, No. 14-cv-00022 (D. N.J.); *Coffman v. Glide Talk, Ltd.*, No. 13-cv-05190 (N.D. Ill.); *Connor v. JPMorgan*, No. 10-cv-01284 (S.D. Cal.); *Couser v. Comenity Bank*, No. 12-cv-02484 (N.D. Cal.); *Craftwood Lumber Co. v. Interline Brands, Inc.*, No. 11-cv-4462 (N.D. Ill.); *Crossley et al. v. Joya Communications, Inc.*, No. 16 CH 14771 (Cir. Ct. Cook Cnty., Ill.); *Cummings v. Sallie Mae, Inc.*, No. 12-cv-9984 (N.D. Ill.); *Davenport v. Discover*, No. 15-cv-06052 (N.D. Ill.); *Grannan v. Alliant Law Group, P.C.*, No. 10-cv-02803 (N.D. Cal.); *Guarisma v. Blue Cross Blue Shield of*

1 *Florida*, No. 13-cv-21016 (S.D. Fla.); *Hageman v. AT&T Mobility LLC*, No. 13-cv-50 (D. Mont.);  
2 *Hetherington v. Omaha Steaks*, No. 13-cv-2152 (D. Ore.); *Hibler v. Santander Consumer USA*,  
3 No.13-01354 (C.D. Cal.); *In re Life Time Fitness*, MDL No. 2564 (D. Minn.); *In re Midland*  
4 *Credit Management, Inc. TCPA Litigation*, No. 11-md-2286 (S.D. Cal.); *In re Portfolio Recovery*  
5 *Associates, LLC TCPA Litigation*, No. 11-md-02295 (S.D. Cal.); *James v. JPMorgan Chase Bank*  
6 *NA*, No. 15-cv-2424 (M.D. Fla.); *Jonsson v. USCB, Inc.*, No. 13-cv-8166 (C.D. Cal.); *Kolinek v.*  
7 *Walgreen Co.*, No. 13-cv-04806 (N.D. Ill.); *Lee v. Global Tel Link Corporation*, No. 15-cv-02495  
8 (C.D. Cal.); *Lees v. Anthem Ins. Cos., Inc.*, No. 13-cv-01411 (E.D. Mo.); *Luster v. Duncan*  
9 *Solutions*, No. 14-cv-00112 (N.D. Ga.); *Luster v. Wells Fargo Dealer Services Inc.*, No. 15-cv-  
10 01058 (S.D. Ga.); *Martin v. Global Marketing Research Services, Inc.*, No. 14-cv-1290 (M.D.  
11 Fla); *Melito v. American Eagle Outfitters*, No. 14-cv-02440 (S.D.N.Y.); *Mey v. Got Warranty,*  
12 *Inc.*, No. 15-cv-00101 (N.D. W.Va.); *Mey v. Patriot Payment Group*, No. 5:15-cv-00027 (N.D.  
13 W.Va.); *Newman v. AmeriCredit*, No. 11-cv-3041 (S.D. Cal.); *Ossola v. American Express Co.*,  
14 No. 13-cv-04836 (N.D. Ill.); *Prater v. Medicredit, Inc.*, No. 14-cv-00159 (E.D. Mo.); *Prather v.*  
15 *Wells Fargo Bank, N.A.*, No. 15-cv-04231 (M.D. Ga.); *Reginald Moore v. Family Dollar Stores,*  
16 *Inc.*, No. 14-cv-01542 (E.D. Mo.); *Rinky Dink Inc. v. World Business Lenders LLC*, No. 14-cv-  
17 00268 (W.D. Wash.); *Sanders v. RBS Citizens*, No. 13-cv-3136 (S.D. Cal.); *Sherman v. Kaiser*  
18 *Foundation Health Plan, Inc.*, No. 13-cv-00981 (S.D. Cal.); *Shestopal v. Follett Higher Education*  
19 *Group Inc.*, No. 15-cv-8980 (N.D. Ill.); *Steinfeld v. Discover Financial Services*, No. 12-cv-01118  
20 (N.D. Cal.); and *Thomas v. Dun & Bradstreet Credibility Corp.*, 15-cv-03194 (C.D. Cal.).

21 6. Some other case examples which KCC has been involved with include: *In re*  
22 *Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability*  
23 *Litigation*, No. 8:10-ml-02151 (C.D. Cal.); *Edwards v. National Milk Producers Federation*, No.  
24 11-cv-04766 (N.D. Cal.); *In re Mattel, Inc., Toy Lead Paint Products Liability Litigation*, No.  
25 2:07-ml-01897 (C.D. Cal.); *Pappas v. Naked Juice Co.*, No. 2:11-cv-08276 (C.D. Cal.); *Lavender*  
26 *v. Skilled Healthcare Group, Inc.*, No. DR060264 (Cal. Super. Ct.); *Utility Consumers' Action*  
27 *Network and Eric Taylor v. Sprint Solutions, Inc.*, No. 3:2007cv02231 (S.D. Cal.); *In re Bank of*

1 *America Credit Protection Marketing and Sales Practices Litigation*, No. 11-md-02269 (N.D.  
2 Cal.); *In re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation*, No. 08-  
3 md-01907 (E.D. Mo.); “*American Idol*”/“*Deal or No Deal*” *Litigation—Couch v. Telescope*  
4 *Inc./Herbert v. Endemol USA, Inc.*, No. 2:07-cv-03916 (C.D. Cal.); *In re Bayer Corp.*  
5 *Combination Aspirin Products Marketing and Sales Practices Litigation*, No. 1:09-md-02023  
6 E.D.N.Y.); *Benware v. Hugo Boss, U.S.A.*, No. 12-cv-01527 (S.D. Cal.); *Lerma v. Schiff Nutrition*  
7 *International, Inc.*, No. 1:13-CV-07747 (N.D. Ill.); *Cobb v. BSH Home Appliances Corp.*, No.  
8 8:10-CV-0711 (C.D. Cal.); *Roberts v. Electrolux Home Products, Inc.*, No. 8:12-CV-01644 (C.D.  
9 Cal.); *Cappalli v. BJ’s Wholesale Club, Inc.*, No. 1:10-CV-00407 (D. R.I.); *Stroud v. eMachines,*  
10 *Inc.*, No. CJ-2003-968 L (D. Ct. Cleveland Cnty, Okla.); *In re Nissan Radiator/Transmission*  
11 *Cooler Litig.*, No. 10-CV-07493 (S.D.N.Y.); and *Robles v. Lucky Brand Dungarees, Inc.*, No. 10-  
12 CV-04846 (N.D. Cal.).

13 7. KCC’s firm resume, attached as **Exhibit 1**, includes additional detail on our  
14 industry experience and capabilities.

15  
16 I declare under penalty of perjury under the laws of the United States that the foregoing is  
17 true and correct.

18  
19 Executed on September 6, 2017 at San Rafael, California.

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Daniel Burke

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# EXHIBIT 1



## KCC Class Action Services Resume

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KCC is an industry leader in class action settlement administration. We administer claims processes and distribute funds in a vast array of varying matters, ranging from small and simple settlements to multi-year complex settlements involving millions of claimants.

KCC's parent company, Computershare, is a \$6 billion publicly-traded company which, among its many business lines, provides global financial services centering on communications with customers on behalf of our corporate clients. Computershare employs over 16,000 people and does business with more than 16,000 clients in more than 21 countries. KCC's operations are regulated by federal agencies, including both the SEC and OCC. KCC has the largest infrastructure in the class action industry, and is backed by superior data security, call center support and technology. In addition to the immense resources and capabilities brought to bear through Computershare, KCC can execute all operations in-house with zero outsourcing; a capacity which allows for full quality control over each aspect of service.

KCC has administered over 6,500 class action settlements and handled thousands of distribution engagements in other contexts as well. Our domestic infrastructure includes call centers with over 1,200 seats, claims intake facilities that can open and scan 200,000 claims in a single day, and document production capabilities that print and mail millions of documents annually. Last year, our disbursement services team distributed over half a trillion dollars.

### Locations

KCC has an administrative office in El Segundo, CA and an operations office in San Rafael, CA. In addition to these offices, KCC has the global support of Computershare. In the United States, Computershare has more than 20 offices.

### KCC Personnel

KCC's experienced team of experts knows first-hand the intricacies contained in every aspect of settlement administration, and approach each matter with careful analysis and procedural integrity. Each client is assigned a team of experienced consultants, specialists and technology experts who serve as knowledgeable, reliable and accessible partners that have earned a reputation for exceeding clients' expectations. KCC's executive team – Gerry Mullins, President; James Le, Chief Operating Officer; Patrick Ivie, Senior Executive Vice President; and Patrick Passarella, Senior Vice President – are experienced industry leaders.

Our personnel have considerable experience which includes years of practice with KCC and related endeavors. KCC's professionals have extensive training, both on-the-job and formal, such as undergraduate and advanced business, information technology and law degrees, and they possess and/or have had licenses and certificates in disciplines that are relevant to class action administration.

### Recognition

Our high-quality, cost-effective notice and settlement administration services have been recognized by *The National Law Journal*, *The New York Law Journal*, *The New Jersey Law Journal*, *The Recorder*, *Legal Intelligencer*, *Legal Times* and other leading publications. KCC has earned the trust and confidence of our clients with our track record as a highly-responsive partner.

Settlement Value Case	Value
Fortis Settlement	\$1,572,690,000
U.S.A. v. The Western Union Company	\$586,000,000
Vaccarino v. Midland National Life Ins. Co	\$555,000,000
Safeco v. AIG	\$450,000,000
Johnson v. Caremark Rx, LLC	\$310,000,000
In re Activision Blizzard, Inc. Stockholder Litigation	\$275,000,000
Harborview MBS	\$275,000,000
Dial Corp. v. News Corporation, et al.	\$244,000,000
In re Medical Capital Securities Litigation Settlement	\$219,000,000
In Re: NCAA Athletic Grant-In-Aid Antitrust Litigation	\$208,664,445
Gutierrez v. Wells Fargo Bank, N.A	\$203,000,000
Bell v. Farmers - Bell III	\$170,000,000
McReynolds v. Merrill Lynch	\$160,000,000
Haddock v. Nationwide Life Insurance Co. Settlement	\$140,000,000
Miramonte Qualified Settlement Fund	\$139,500,000
In re Freeport-McMoran Copper & Gold Inc. Derivative Litigation Notice	\$137,500,000
Bank of America, et al. v. El Paso Natural Gas Company, et al.	\$115,000,000
Rural/Metro Corporation Stockholders Litigation	\$97,793,880
J.C. Penney Securities Litigation	\$97,500,000
Smokeless Tobacco Cases	\$96,000,000
Oubre v. Louisiana Citizens	\$92,865,000
Ormond, et al, v. Anthem, Inc.	\$90,000,000
In re DRAM Antitrust Litigation	\$87,750,000
Ideal v. Burlington Resources Oil & Gas Company LP	\$85,000,000
Willoughby v. DT Credit Corporation, et al. (Drivetime)	\$78,000,000
Bank of America Wage and Hour Employment Practices Litigation	\$73,000,000
WaMu TIA	\$69,000,000
Dana Corporation Securities Litigation	\$65,000,000
Abarca v. and Hernandez v. Merck & Co., Inc.	\$60,000,000
Birchmeier et al. v. Caribbean Cruise Line, Inc.	\$56,000,000
In re Intercept Pharmaceuticals, Inc. Securities Litigation	\$55,000,000
Ideal v. BP America	\$55,000,000
United States of America v JP Morgan Chase Bank, NA	\$54,300,000
In re Apple iPhone/iPod Warranty Litigation	\$53,000,000
Eck v. City of Los Angeles, et al.	\$52,000,000
Edwards v. National Milk Producers Federation et al.	\$52,000,000
DeLaTorre Qualified Settlement Fund	\$51,900,000
Anderson v. The Attorney General of Canada	\$50,000,000
eMachine Consumer Settlement	\$50,000,000



Class Members	
Case	Volume
Edwards v. National Milk Producers Federation et al.	90,000,000
The Home Depot, Inc. Customer Data Security Breach Litigation	40,000,000
Cassese v. WashingtonMutual	23,200,344
In Re Lithium Ion Batteries Antitrust Litigation	16,000,000
Gordon v. Verizon Communications, Inc.	15,236,046
Opperman et al v. Path, Inc.	14,000,000
Discover TCPA	9,830,433
Elvey v. TD Ameritrade, Inc.	8,639,226
Russell v. Kohl's Department Stores Inc.	8,500,000
Suchanek v. Sturm Foods, Inc., Grove Square Coffee Class Certification	8,200,000
Shames v. The Hertz Corporation	7,271,238
In re MagSafe Power Adapter Litigation	5,293,952
Portfolio Recovery Associates Telephone Consumer Protection Act Litigation	5,000,000
Morales v. Conopco Inc. dba Unilever (TRESemmé Naturals)	5,000,000
Tammy Raab v. Kent W. Abernathy & Indiana Bureau of Motor Vehicles II	5,000,000
Raab v. Waddell and The Indiana Bureau of Motor Vehicles	4,677,968
In re Lidoderm Antitrust Litig. Class Cert.	4,400,000
Couser v Comenity Bank	4,115,621
Torczyner v. Staples, Inc.	4,000,000
Siciliano v. Apple, Inc.	4,000,000
Horosny v. Burlington Coat Factory of California LLC	3,700,000
Apple Purchase Litigation	3,548,612
Flaum v. Subway	3,503,113
Luster v. Wells Fargo	3,385,048
Kearney v. Equilon Enterprises LLC dba Shell Oil	3,000,000
Walter, et al. v. Hughes Communications, Inc., et al.	2,792,574
Cappalli v. BJ's Wholesale Club, Inc.	2,767,358
Shurtleff v. Health Net of California, Inc.	2,529,949
Clark v. Gannett Co. Inc. et al.	2,500,000
Alvarez v. Kmart Holding Corp.	2,240,000
Mullins v. Direct Digital LLC	2,200,000
Nicole Newman v. AmeriCredit Financial Services	2,033,588
Hankinson, et al. v. RTG Furniture Corp., dba Rooms To Go	2,000,000
National Veterans Legal Services Program, et al. v. United State	2,000,000
Davenport v. Discover	2,000,000
Ayyad v. Sprint	2,000,000